

Case/Docket No. 58800.919C

In re Application of: MAKOTO SAITO

Serial No. 08/416,037

Filed: July 16, 1997 (Continuation of U.S. Patent Appln. Serial No. 08/416,037, Filed 3/31/95)

For: METHOD FOR CONTROLLING DATABASE COPYRIGHTS

Assistant Commissioner for Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231

Sirs:

Transmitted herewith is an Amendment and Response in the above-identified application.

Small entity status of this Application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

XXX No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amd		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total Claims	* 48	Minus	** 48	0	X 11	\$ 0	X 22	\$ 0
Indep. Claims	* 3	Minus	*** 3	0	X 41	\$ 0	X 82	\$ 0
<input type="checkbox"/> First Presentation of Multiple Dependent Claims					+ 135	\$ 0	+ 270	\$ 0
					Total Add'l Fee	\$ 0	Total Add'l Fee	\$ 0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

XXX The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account Number 08-1520. A duplicate of this authorization is enclosed.

Applicant hereby petitions for an extension of time of \_\_\_ month, pursuant to Rule 1.136.

A check in the amount of \$\_\_\_ is attached for processing fees under 37 CFR 1.17.

A check in the amount of \$\_\_\_ is attached for presentation of additional claim(s).

Respectfully submitted,

HECKER & HARRIMAN

Date: August 19, 1998

Frank M. Weyer  
Reg. No. 33,050

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Suite 2300  
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**CERTIFICATE OF MAILING**

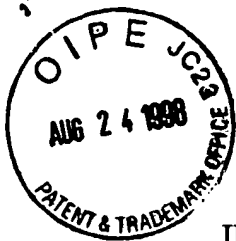
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August 19, 1998.

Signature: Lillian E. Rodriguez

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
 )  
MAKOTO SAITO ) Examiner: SAYADIAN, H.  
 )  
Serial No.: 08/895,493 ) Group Art Unit: 2766  
 )  
Filed: July 16, 1997 )  
 (Continuation of U.S. Patent )  
 Application Serial No. 08/416,037 )  
 Filed March 31, 1995) )  
 )  
For: METHOD FOR CONTROLLING )  
 DATABASE COPYRIGHTS )  
 )

AMENDMENT AND RESPONSE

Honorable Commissioner of  
Patents and Trademarks  
Washington, D. C. 20231

Sir:

This is in response to the outstanding Office Action dated July 20, 1998 in the present application. Claims 95-142 are pending in the present application. The Examiner has made claims 95-142 subject to a restriction requirement. The Examiner states:

3. This application contains claims directed to the following patentably distinct species of the claimed invention:

a. Species I, directed to supplying copyright related data or programs from the database, see e.g. claims 97, 101, 113, 117, 129 and 133.

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b. Species II, directed to supplying copyright related data and programs from the key control center, see, e.g. claims 96, 100, 112, 116, 128, and 132.

c. Species III, directed to supplying part of copyright related data and programs from the key control center and another part of copyright related data or programs from the database, see, e.g. claims 98, 102, 114, 118, 130, and 134.

4. Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 95, 111, and 127 are generic.

5. Applicant is advised that a response to this requirement must:

a. identify the species that is elected consonant with this requirement;

b. specifically list *all claims that read on the elected species*, including any claim subsequently added;

c. specifically list *all claims that do not read on the elected species*, including any claim subsequently added; and

d. specifically list *all generic claims*, thus furthering compact prosecution upon allowance of a generic claim, which allowance entitles Applicant to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

In response to the Examiner's restriction requirement, Applicant wishes to elect the species identified by the Examiner as Species I for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant reserves the right to pursue the non-elected claims in a divisional or continuing application.

Applicant believes that the following claims read on the elected Species I:  
Claims 97, 101, 107, 113, 117, 123, 129, 133 and 139.

Applicant identifies the following claims as not reading on the species as  
elected: Claims 96, 98, 100, 102, 106, 108, 112, 114, 116, 118, 122, 124, 128, 130,  
132, 134, 138 and 140.

Applicant believes that the following claims include all species identified  
by the Examiner and are therefore generic: Claims 95, 99, 103, 104, 105, 109, 110,  
111, 115, 119, 120, 121, 125, 126, 127, 131, 135, 136, 137, 141 and 142.

Respectfully submitted,

HECKER & HARRIMAN

Date: 8/19/98

By: \_\_\_\_\_

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**CERTIFICATE OF MAILING**

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August 19, 1998

  
Signature

Lillian E. Rodriguez

8-19-98  
Date